



11-14-02

3765

Patent
Orrick No. 704117.7
(Lyon & Lyon Docket 258/299)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Richard Ginn

Serial No.: 09/738,431

Filed: December 14, 2000

For: Devices for Sealing Openings
Through Tissue and Apparatus and Methods for
Delivering Them

Group Art Unit: 3765

Examiner: Peter P. Herbun

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TECHNOLOGY CENTER R3700

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 10, 2002, Applicant hereby elects the specie of Figure 3. Applicant notes that the Examiner has recognized that claims 39 and 80 are generic. Applicant believes that claims 39-52, 56-59, 69-71, 74-76 and 80 read upon the elected specie.

An action on the merits with regard to the elected claims is respectfully requested.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 12, 2002

By:

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Lynne Fulmer